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In re Application of  
David Zimmerman  
Application No. 10/713,673  
Filed: November 13, 2003  
Attorney Docket No. 5038-299

ON PETITION

This is a decision on the papers styled, "Response To Notice of Abandonment," which has been treated as a petition under 37 CFR 1.181, filed January 17, 2006, to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the non-final Office action mailed May 10, 2005. Accordingly, this application became abandoned on August 11, 2005. A Notice of Abandonment was mailed on January 10, 2006.

Petitioner asserts that a response to the May 10, 2005 Office action was submitted by facsimile on August 3, 2005. In support, petitioner has submitted a copy of the originally filed response. The response includes an executed Certificate of Facsimile Transmission under 37 CFR 1.8 dated August 3, 2005. Additionally, petitioner has submitted a copy of the "Auto-Reply Facsimile Transmission report" that confirms transmission and receipt of the documents on August 3, 2005.

Accordingly, the petition is granted and the holding of abandonment is withdrawn.

This application is being forwarded to Technology Center 2800, for review of the response to the non-final Office action, filed January 17, 2006 (originally filed August 3, 2005).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse  
Petitions Attorney  
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for Patent Examination Policy